

REMARKS

Claims 1-65 are pending. By this Amendment, claims 1, 7, 13 and 19 are amended.

Reconsideration based on the following remarks is respectfully requested.

The April 30, 2008 Advisory Action maintains the rejection of claims 1-65 under 35 U.S.C. 102(e) as being anticipated by or, in the alternative, under 35 U.S.C. 103 as being obvious over U.S. Patent No. 4,834,735 to Alemany et al. This rejection is respectfully traversed.

As explained in Applicant's March 26, 2008 Response, Alemany contains no disclosure or teaching that the absorbent article described therein has an absorbent core and an insult point which have "substantially equal" basis weights. In fact, Alemany expressly teaches that the basis weight of the acquisition zone 56 must be lower than the basis weight of the storage zone 48. See column 12, lines 11-16 of Alemany. Further, as also explained in the March 26, 2008 Response, to refute the Examiner's "routine experimentation" argument, Alemany does not disclose the claimed leakage performance index, and in particular does not (i) identify all of the variables comprising the leakage performance index, (ii) suggest which of the numerous variables effect the leakage performance index, or (iii) suggest which experiments are required to determine the leakage performance index.

Applicant's representative attempted to schedule a telephone interview with Examiner Stephens prior to the filing of this Amendment to clarify the reasons why the

rejections were maintained in the Advisory Action. Unfortunately, Examiner Stephens refused to conduct the interview.

Although Applicant's maintain the above traversal of the rejection over the Alemany patent, in order to advance prosecution of this application, the claims of this application are now amended as suggested by the Examiner in the Advisory Action (see lines 9-10 of Examiner Stephen's comments under section 11 of the Advisory Action). In particular, the claims now recite that "the absorbent core has a basis weight that is substantially equal to the basis weight of the insult point."

For at least these reasons, it is respectfully submitted that independent claims 1, 7, 13, 19, 25, 38 and 63-65 are in condition for allowance. The dependent claims are also allowable for the reasons discussed above as well as for the additional features they recite.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

EFS
Confirmation No. 1159
Appl. No. 10/673,638
Amdt. Dated August 22, 2008
Filed with RCE

A Fee in the amount of \$1,050.00 is deemed necessary in connection with this Amendment for a Three-Month Extension of Time for a large entity. The PTO is authorized to charge the amount of any additional fees and/or credits to Deposit Account 01-1785.

Respectfully submitted,
AMSTER, ROTHSTEIN & EBENSTEIN LLP
Attorneys for Applicants
90 Park Avenue
New York, NY 10016
(212) 336-8000

Dated: New York, New York
August 22, 2008

By: /Benjamin M. Halpern/
Benjamin M. Halpern
Registration No.: 46,494